

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: S. Randolph Kretchmar
DOCKET NO.: 04-27287.001-R-1
PARCEL NO.: 05-27-404-006

The parties of record before the Property Tax Appeal Board (hereinafter PTAB) are S. Randolph Kretchmar, the appellant, by Attorney Gary H. Smith in Chicago; and the Cook County Board of Review.

The subject property consists of 29,900 square foot parcel improved with two buildings, thereon. The first building contains an 82-year old, two-story, masonry, single-family dwelling with 4,774 square feet of living area as well as a full basement, three full and two half-baths, and three fireplaces. The second improvement is a beach house that contains an 82-year old, one-story, masonry dwelling with 646 square feet of living area as well as one bathroom, one bedroom and one fireplace. The appellant is protesting the improvement assessment of the first building, the single-family dwelling.

At hearing, the appellant argued that there was unequal treatment in the assessment process of the improvement as the basis of this appeal.

The appellant's pleadings included data and descriptions in three different comparison analyses of suggested comparables located within the subject's neighborhood. Comparison analysis #1 included two multi-page grids reflecting 23 properties located within the subject's neighborhood asserted to exclude any properties with home improvement exemptions, and partial or prorated assessments. These properties are improved with a two-story, single-family dwelling of stucco, frame, masonry or frame and masonry exterior construction. They range: in baths from one full and one half-baths to seven full and two half-baths; in age from 4 to 122 years; and in size from 4,249 to 9,618 square feet of living area. Amenities include: a partial or full

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Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds a reduction in the assessment of the property as established by the COOK County Board of Review is warranted. The correct assessed valuation of the property is:

LAND:	\$	101,660
IMPR.:	\$	551,840
TOTAL:	\$	653,500

Subject only to the State multiplier as applicable.

PTAB/KPP

basement, one or four fireplaces, and a multi-car garage. The improvement assessments range from \$23.83 to \$77.45 per square foot.

Comparison analysis #2 included a multi-page grid with limited assessment data and descriptions on 100 properties located within the subject's neighboring neighborhood code and asserted to exclude any properties with home improvement exemptions, and partial or prorated assessments.

Comparison analysis #3 included two multi-page grids reflecting 8 properties located within the subject's neighborhood asserted to exclude any properties with home improvement exemptions, and partial or prorated assessments as well as containing greater than 4,000 square feet of living area. These properties are improved with a two-story, single-family dwelling of stucco, masonry or frame and masonry exterior construction. Seven of the eight properties contain lake-front footage, but all are located from 3 to 13 lots' distance from the subject. They range: in baths from three full and one half-baths to nine full and two half-baths; in age from 10 to 86 years; and in size from 5,250 to 9,618 square feet of living area. Amenities include: a full basement, one or three fireplaces, and a multi-car garage. The improvement assessments range from \$32.00 to \$77.45 per square foot.

Further, appellant's attorney argued that the subject's sale in December, 2002, for \$7,425,000 was not relevant due to the \$100,000 of personal property included in the purchase. In support of this argument, the appellant submitted copies of: the bill of sale; watercraft certificate of title; a three-page listing of personal property and its room or building location; a copy of the real estate transfer tax; a copy of the real estate transfer declaration; a copy of the real estate contract; a copy of the real estate inspection report; and a copy of the subject's Sidwell neighborhood map.

At hearing, the appellant's attorney indicated that the subject's sale included a multiple-page listing of personal property that was originally attached to the bill of sale. Therefore, he asserted that sole reliance on the subject's sale is less than reflective of the subject's real property market value. On the basis of this comparison, the appellant's attorney requested an assessment reduction for the subject's single-family dwelling.

The board of review submitted "Board of Review Notes on Appeal" wherein the board's final assessment decision was presented reflecting a total improvement assessment of \$650,840 with the first improvement's assessment at \$618,298 or \$129.51 per square foot and the beach house's assessment at \$32,542 or \$50.37 per square foot. The board of review also submitted a copy of property characteristic printouts for the subject as well as

three copies of aerial photographs for the subject. Beyond this submission, the board did not proffer evidence in support of the subject's current improvement assessment. Instead, the board's notes reflect that the subject was purchased in February, 2002, for \$7,525,000. In addition, the board submitted copies of its file from the board of review's level appeal.

At hearing, the board's representative testified that the submitted photographs of the subject were obtained from Google as well as the assessor's website. He further stated that the photos reflect the subject's second improvement or beach house as well as the main house. As a result of its analysis, the board requested confirmation of the subject's assessment.

After hearing the testimony and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal.

The Illinois Supreme Court has held that taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. The PTAB finds that the appellant has met this burden and that a reduction in the subject's assessment is warranted.

In totality, the appellant submitted 131 equity comparables for the main improvement, the single-family dwelling. The PTAB finds that the appellant's comparables contained in its Comparison grid #3 are most similar to the subject property. These comparables contain a two-story, single-family dwellings seven of eight sited along the lake front. They range: in baths from three full and one half-baths to nine full and two half-baths; in age from 10 to 86 years; in size from 5,250 to 9,618 square feet of living area; and in improvement assessments from \$32.00 to \$77.45 per square foot. In comparison, the subject's 4,774 square foot improvement contains an assessment at \$129.51 per square foot of living area, which is significantly above the range established by these comparables. After making adjustments to the comparables for age, size and amenities, the comparables still support a reduction in the subject's improvement assessment.

The PTAB further finds that the appellant's remaining properties submitted for comparability were accorded diminished weight due to a disparity in improvement exterior construction, age, size and/or amenities.

Moreover, the PTAB finds that the board of review failed to proffer evidence to support the subject's current improvement

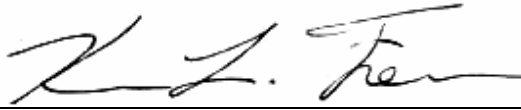
assessment pursuant to the equity argument raised in this matter. As to the board's sole reliance upon the subject's purchase price, the undisputed documents in the record reflect multiple pages of personal property that were included in the property's purchase. The board did not proffer any evidence to refute the inclusion of this sizeable and costly personal property in the subject's purchase.

On the basis of the evidence submitted, the PTAB finds that the appellant has demonstrated that the subject's improvement is assessed in excess of that which equity dictates. Therefore, the PTAB finds that a reduction in the subject's improvement assessment is warranted.


This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.



Chairman



Member



Member



Member



Member

DISSENTING: _____

C E R T I F I C A T I O N

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date: June 27, 2008



Clerk of the Property Tax Appeal Board

IMPORTANT NOTICE

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing

complaints with the Board of Review or after adjournment of the session of the Board of Review at which assessments for the subsequent year are being considered, the taxpayer may, within 30 days after the date of written notice of the Property Tax Appeal Board's decision, appeal the assessment for the subsequent year directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.